

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL ACTION NO. 4:15CR116
	§	
JACOB ANDREW HALEY	§	

**REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

Now before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on December 5, 2017, to determine whether Defendant violated his supervised release. Defendant was represented by John Hunter Smith. The Government was represented by Marisa Miller.

Jacob Andrew Haley was sentenced on July 2, 2015, before The Honorable Amos L. Mazzant, III of the Eastern District of Texas after pleading guilty to the offense of Conspiracy to Possess with Intent to Distribute Heroin, a Class B felony. This offense carried a statutory maximum imprisonment term of 40 years. The guideline imprisonment range, based on a total offense level of 23 and a criminal history category of III, was 60 to 71 months. Jacob Andrew Haley was subsequently sentenced to 62 months of imprisonment followed by a three (3) year term of supervised release subject to the standard conditions of release, plus special conditions to include drug treatment and testing, financial disclosure, no association with codefendants, and a \$100 special assessment. On July 2, 2015, Jacob Andrew Haley completed his period of imprisonment and began service of the supervision term.

On March 7, 2017, the U.S. Probation Officer executed a Petition for Warrant or Summons for Offender Under Supervision [Dkt.15 Sealed]. The Petition asserted that Defendant violated

ten (10) conditions of supervision, as follows: (1) Defendant shall not commit another federal, state, or local crime; (2) Defendant shall not illegally possess a controlled substance; (3) Defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon; (4) Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician; (6) Defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month; (7) Defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training or other acceptable reasons; (8) Defendant shall notify the probation officer ten days prior to any change in residence or employment; (9) Defendant shall notify the probation officer within seventy-two (72) hours of being arrested or questioned by a law enforcement officer; and (10) Defendant shall participate in a program of testing and treatment for drug abuse, under the guidance and direction of the United States Probation Office, until such time as the Defendant is released from the program by the probation officer.

The Petition alleges that Defendant committed the following acts: (1), (2), and (3) On February 19, 2017, Defendant was arrested by Denton County Sheriff's Office for Unlawful Possession of a Firearm and Possession of a Controlled Substance 1<1g, Heroin. Defendant was released on a \$50,000 surety bond on each case on February 27, 2017; (4) and (5) On August 5, 2015, Defendant submitted a urine specimen which tested positive for marijuana; (6) Defendant failed to report to the United States Probation Office on September 21, and November 30, 2016, as instructed. Defendant failed to submit a monthly report by the 5th of each month for the months of September, and November 2015, February, May, July, September, October, and November 2016; (7) Defendant has failed to maintain employment for the months of August, September and

November 2015, March, 2016, January and February 2017; (8) Defendant failed to notify the probation office ten (10) days prior to change in residence and employment. On March 31, 2016, an unannounced home visit was conducted at the Defendant's reported residence in Prosper, Texas. This officer was advised by the Defendant's mother that he no longer lived at the residence and he was no longer employed at DFW Audi. On April 2, 2016, Defendant reported he moved two weeks prior to live with his girlfriend and changed jobs. DFW Audi was contacted on May 5, 2016, and this officer was advised the Defendant had submitted his resignation on February 24, 2016; (9) On March 26, 2016, Defendant was involved in an automobile accident at which time he was questioned by University Park Police Department. He notified the probation office on April 2, 2016, of being questioned by law enforcement. Defendant was questioned by Flower Mound Police Department on August 27, 2016. On September 29, 2016, following being questioned by this officer, Defendant disclosed he was questioned by Flower Mound Police Department. On February 19, 2017, Defendant was arrested by Denton County Sheriff's Office. He bonded out of jail on February 27, 2017. He failed to notify the probation office of this arrest; and (10) Defendant failed to submit to drug testing as directed on October 7, and November 13, 2015. On May 26, 2016, Defendant was instructed to attend twice-monthly individual substance abuse counseling sessions at Fletcher Counseling, Plano, Texas. Defendant failed to attend counseling as scheduled on June 13, July 14, August 21, 2016, January 8, January 16, and January 24, 2017. Furthermore, he has failed to attend counseling sessions twice monthly during the months of June, August, October, November, and December 2016, and January 2017. Defendant was unsuccessfully discharged from treatment on January 31, 2017.

Prior to the Government putting on its case, Defendant entered a plea of true to all ten (10) allegations of the Petition. Having considered the Petition and the plea of true to all ten (10) allegations, the Court finds that Defendant did violate his conditions of supervised release.

Defendant waived his right to allocate before the District Judge and his right to object to the report and recommendation of this Court.

### **RECOMMENDATION**

Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant's supervised release be revoked and that he be committed to the custody of the Bureau of Prisons to be imprisoned for a term of eight (8) months to be served consecutively to any other term of imprisonment, including specifically any term imposed in Cause Number 4:17CR57, with no term of supervised release to follow.

The Court also recommends that Defendant be housed in a facility in the North Texas area, if appropriate.

**SIGNED this 5th day of December, 2017.**



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Christine A. Nowak  
UNITED STATES MAGISTRATE JUDGE